

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 1794	Customer No.: 035811
Examiner	: Jennifer A. Chriss	
Serial No.	: 10/522,519	
Filed	: February 28, 2005	
Inventors	: Kyoko Yokoi	Docket No.: TIP-05-1007
	: Koji Watanabe	
	: Takafumi Hashimoto	Confirmation No.: 1423
Title	: ARTIFICIAL SUEDE-TYPE LEATHER AND	
	: PROCESS FOR PRODUCING THE SAME	
		Dated: July 28, 2008

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated June 18, 2008.

Claims 5-8 are pending.

Claims 1 and 7 stand rejected under 35 U.S.C. §103(a) as obvious over Fukushima in view of Streicher. The rejection states that Fukushima teaches the suede artificial leather recited in Claims 1 and 7, but fails to teach a polyurethane containing a blue, red and yellow pigment from the group recited in Claims 1 and 7. The rejection relies on Streicher for disclosing the use of such pigments as dyes for leather.

The Applicants respectfully submit that Claim 1 has been cancelled and is no longer pending. For the purposes of this Response, the Applicants proceed under the assumption that the Examiner intended to apply the rejection to Claim 5.

The Applicants respectfully submit that one skilled in the art would not be motivated to look to Streicher for guidance in modifying Fukushima and would have no reasonable expectation of

success upon doing so. Streicher specifically pertains to a method of dyeing leather made of animal hides, and not an artificial suede leather comprising polyester fibers and a polyurethane. Indeed, Streicher states that the leather suitable for dyeing by the method described therein is “in general commercial mineral-tanned leather, *i.e.* leather tanned for example on the basis of the metals chromium, aluminum, titanium, or zirconium.” (column 3, lines 50-54) Streicher also aims to solve problems specific to animal hide leather not encountered in the manufacture of artificial hide, such as pigments preferentially ending up on the flesh side and in open faulty grain or not dyeing hair-holes. (See Streicher, column 1, lines 17-20.)

Streicher neither teaches nor suggests a method of dyeing an artificial leather, however, Fukushima and the leather recited in Claims 5 and 7 pertain to an artificial leather. In light of the distinct compositional and structural characteristics of an artificial leather comprised of polyester fibers and a polyurethane and a natural leather hide, the Applicants respectfully submit that one skilled in the art in view of Fukushima and Streicher would not have a reasonable expectation of successfully combining the references.

Furthermore, even if one skilled in the art were hypothetically motivated to combine the pigments taught by Streicher with the artificial suede leather taught by Fukushima, he or she would not be guided to use a polyurethane that contains the pigments as recited in Claims 5 and 7. Indeed, the Applicants respectfully submit that if one skilled in the art in view of the method disclosed in Fukushima and the pigments disclosed in Streicher were guided to substitute Streicher’s pigments in the Fukushima’s dyeing steps, he or she would be led away from the leather and method recited in these claims.

Fukushima teaches that adding pigments to an elastomer binder prior to impregnating the fiber mat with the elastomer results in complications in industrial manufacture and an inferior

product. (See Fukushima, column 2, lines 9-24.) Fukushima proposes an alternative process in which polymer fibers are colored throughout with a “dope dye” consisting of various organic or inorganic pigments prior to forming a fibrous mat. (See Fukushima, column 3, line 3 through column 4, line 24.) The fibrous mat is then impregnated with a binder containing an elastomer to form a sheet material.

Thus, the Applicants respectfully submit that Fukushima teaches those skilled in the art not to add pigment to the elastomer binder. Instead, Fukushima teaches adding pigment to the fibers prior to forming and impregnating a fibrous mat. Therefore, one skilled in the art seeking to modify Fukushima by incorporating the pigments taught by Streicher would be guided toward adding pigments to the fibers and away from adding pigments to the elastomer binder as claimed by the Applicants.

In contrast to Fukushima, the rejected claims recite a polyurethane that contains selected pigments. The polyurethane solution is mixed with predetermined amounts and colors of pigments prior to impregnating the fiber-entangled substrate. (See paragraph [0064] of the Applicants’ specification.) Therefore, by teaching away from adding pigments to the elastomer binder, Fukushima guides those skilled in the art toward a method and composition very different from Claims 5 and 7.

Based on the foregoing, the Applicants respectfully submit that one skilled in the art would not be motivated to combine Fukushima and Streicher, would not have any reasonable expectation of successfully combining these references, and would not obtain the subject matter recited in Claims 5 or 7. Accordingly, the Applicants submit that these claims are not obvious in view of Fukushima and Streicher and request reconsideration and withdrawal of the rejection.

Claims 6 and 8 stand rejected under 35 U.S.C. §103(a) as obvious over Fukushima in view of Streicher and in further view of Pedain. The rejection applies the combination of Fukushima and Streicher as above, but states that the combination fails to teach the use of a polycarbonate-based polyurethane. The rejection relies on Pedain, which relates to a polyurethane urea elastomer, for this teaching.

As discussed above, the Applicants respectfully submit that the combination of Fukushima and Streicher fails to satisfy 35 U.S.C. §103. Specifically, the Applicants respectfully submit that one skilled in the art would not be motivated to combine those publications, would not have any reasonable expectation of successfully combining those publications, and would not obtain the subject matter recited in the Claims 6 or 8. The mere disclosure of a polyurethane urea elastomer in Pedain fails to cure the deficiencies of the primary references. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection over Fukushima in view of Streicher and in further view of Pedain.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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